

The USAO had made great efforts to establish an effective Anti-Terrorism Task Force), now called the Anti-Terrorism Advisory Council (ATAC), based on the unique characteristics, geographic and otherwise, of the District. The USAO's ATAC coordinator was a conduit for information sharing, training, and coordination between and among the federal, state, and local law enforcement agencies throughout the District. It was recommended that the USAO consider expanding its ATAC by incorporating other non-law enforcement constituencies into its ATAC. This has been done. The USAO advised that since the evaluation, it has improved its contacts with local non-law enforcement agencies and that its ATAC network of information now includes first responders, hospitals and emergency personnel, and utilities. The USAO had an extremely effective firearms initiative and had developed excellent partnerships with the federal, state, and local law enforcement agencies to advance this initiative. Although the number of Organized Crime Drug Enforcement Task Force (OCDETF) approved investigations had declined, the total number of drug prosecutions had remained relatively static over the past several years. It was also anticipated that the number of OCDETF cases would increase. The USAO's newly appointed OCDETF coordinator was a highly motivated and well-respected narcotics prosecutor who had quickly assumed a leadership role in this area. United States Attorney Bogden had recently assumed the chairmanship of the District's High Intensity Drug Trafficking Area (HIDTA) Executive Committee which breathed new life and direction into the HIDTA. The HIDTA Executive Committee meets more frequently now and it receives initiation briefings and regular statistical reports showing cases handled federally and those referred to local agencies. These efforts have resulted in greater coordination and focus, making both HIDTA and OCDETF more effective.

The USAO was properly addressing civil rights matters arising in the District and was appropriately addressing cybercrime and crimes against children. The USAO was also handling the increase of immigration and Southwest Border Initiative cases effectively.

Although the USAO was making a concerted effort to enhance its emphasis on Health Care Fraud (HCF), the criminal HCF initiative had not yet achieved its full potential. It was recommended that the USAO more actively assess the occurrence of criminal HCF violations in the District and then address the under-allocation of its specially allocated HCF assets. This was being addressed. The USAO's new HCF AUSA was growing into the position and the Health and Human Services Office of Inspector General was adding investigative resources to the District. It was also anticipated that the USAO's recent filling of its civil HCF AUSA position would bolster the USAO's criminal enforcement efforts.

The USAO's Law Enforcement Coordinating Committee (LECC) was functioning well. The USAO had conducted training in various areas in the last several years, including training in Anti-Terrorism, PSN, Public Lands, Asset Forfeiture, Public Corruption, and other substantive areas. The USAO was also very active in coordinating activities with several tribes through the Victim-Witness (VW) coordinators and the USAO's Indian Country Liaison. The USAO had also improved communication and coordination with the ATAC. This has helped build relationships and information sharing opportunities that have made a positive impact on the



LECC. There were four designated Weed and Seed sites in the District, located in Las Vegas and Reno. The USAO's LECC coordinator, who also served as the USAO's Public Affairs Officer (PAO), coordinated the USAO's involvement in the District's Weed and Seed program. Because of the multiple duties assigned to these jobs, the USAO reported that it plans to conduct an audit of the LECC/PAO's duties and responsibilities to determine whether reassignment of some of those responsibilities is necessary.

The USAO's VW Program was working effectively with the exception that the Reno branch office was not using the Victim Notification System (VNS). It was recommended that the USAO designate and train a person to use the VNS in the Reno office. The USAO reported that this has been done.

The USAO enjoyed excellent relations with federal, state, and local law enforcement agencies throughout the District.

## **5.0 Management of Civil Cases and Personnel**

The management structure of the Civil Division was appropriate. The Civil Division had excellent relationships and communications with its client agencies. The First AUSA/Civil Chief was an experienced and capable manager who was well regarded by his staff. However, it was recommended that the USAO hire a full-time Civil Division Chief. It was felt that one person should not serve as both the First AUSA and the Civil Chief. The USAO advised at the time of the follow-up visit that it was in the process of trying to select a new full-time Civil Chief. The Civil Division AUSAs, as a group, were experienced civil litigators. They each had 12 or more years experience and demonstrated competency in handling the cases they are assigned. The Internal Revenue Service Special AUSA program for handling bankruptcy cases was successfully operating; however, it was recommended that the Civil Division Chief/First AUSA monitor the Special AUSA program to ensure compliance with Department and USAO policies and procedures in a manner that does not curtail its efficiency. This is being done. The Civil Division support staff, as a group, are experienced and competent.

The Civil Division AUSAs had access to and were aware of the various Department resources available to them such as the USAM, the Civil Resource Manual, USABook, and Westlaw. The Civil Division Manual was up-to-date. However, it was recommended that the Civil Division provide additional training for its AUSAs and support staff on the availability and use of all resources. This has been done. Generally, the methods of managing civil cases were appropriate and effective. The practice of the Civil Chief reviewing all written work product, after filing, and occasionally observing Civil Division AUSAs in court was appropriate, considering the level of experience and competency of the AUSAs. The quality of the civil work product was reported by the judiciary and client agencies as good.

The quality and quantity of the civil caseload was typical for a District of this size. However, the Civil Division workload was not equitably distributed and, consequently, the Civil Division AUSAs' productivity was not optimum. It was recommended that the First



AUSA/Civil Chief review his system of assigning cases to ensure an equitable distribution of cases among the Civil Division AUSAs. There were two Civil Division AUSA vacancies at the time of the evaluation: the Civil Chief position, and a civil HCF AUSA position. When these two vacancies are filled, the Civil Division will have an adequate number of AUSAs to support its mission.

The USAO's Affirmative Civil Enforcement (ACE) and civil HCF programs had not reached their full potential due to key personnel vacancies. Despite these vacancies, the Civil Division had a variety of high quality ACE investigations and cases in litigation. At the time of the follow-up visit, the USAO advised that the civil HCF position had been filled in early September 2003.

The USAO's Financial Litigation Unit (FLU) functioned well as a team. It appeared that the FLU needed more direction in prioritizing cases and managing high dollar debts and that the FLU paralegal should provide more day-to-day supervision. In response, the USAO advised that the FLU sets priorities in the management of its caseload, uses several methods of enforcing collection actions, and that the FLU paralegal regularly monitors and assigns work to the debt collection agents. Also, the FLU was not always notified of the entry of asset forfeiture payments. The Financial Litigation Program Manager conducted telephonic follow-up to this issue and was told that the FLU no longer experiences a problem with the receipt of sufficient documentation to reconcile forfeiture payments.

The USAO did not have a separate Appellate Section and the duties of the USAO's Appellate coordinator had not been clearly defined or communicated. The USAO's decentralization of appellate responsibility and supervision had resulted in inconsistent oversight of the appellate process, especially in the Criminal Division. Although the USAO had not experienced any adverse consequences to date as a result, it was recommended that the USAO consider centralizing its appellate supervision especially in light of the USAO's increased appellate caseload. The USAO advised at the time of the follow-up visit that it has taken steps to enhance and improve its appellate procedures and capabilities and to clarify the responsibilities of its appellate coordinator.

Overall, the USAO's asset forfeiture program was well managed and productive. The USAO had doubled its deposits to the asset forfeiture fund over the prior five years.

The USAO's hiring practices comply with Department hiring policies. Overall, communications within the office were good; however, some AUSAs felt that more frequent meetings at all levels would be useful. The USAO reported that it considers communication to be a top priority of the office and has made extensive efforts to improve and enhance communications in the office. The follow-up evaluator found that the USAO uses an impressive array of methods to keep communication flowing throughout the office. While the USAO's in-house training program was generally effective for more experienced AUSAs, its training program had not addressed the needs of new, less experienced AUSAs and it did not have an effective mentoring and training program for newly hired AUSAs. It was recommended that the



USAO expand upon the training program developed by its former Senior Litigation Counsel to address the specific training needs of newly hired AUSAs. This is being done. Specifically, the USAO's enhanced mentoring program appears to be working well. The USAO reported that it is continuing its efforts to ensure fairness in the rating of employees and in the granting of awards, promotions, and bonuses. The USAO has had regular annual training on ethics; however, it had not conducted recent training on professional responsibility issues on 28 U.S.C. § 530B and Brady/Giglio issues and procedures. That training has since taken place. Freedom of Information Act requests are closely monitored by the point of contact and are responded to in a timely manner.

The USAO generally had acceptable security practices and procedures. The security concerns identified during the evaluation have been resolved or are in the process of being resolved.

## **7.0 Administrative Operations**

The Administrative Division had a competent and knowledgeable Administrative Officer (AO) who had been with the office for approximately one year. The Division was adequately staffed to maintain management controls and to provide quality service to the USAO. However, the evaluators did identify three Red Flags: 1) Some employees were keying their own personnel actions; 2) Not all of the required back-up tapes were being stored off-site for the Las Vegas office; and, 3) The Reno branch office back-up tapes were not stored at least five miles from office. The USAO immediately implemented the appropriate corrective actions and properly self-certified compliance with the Operations Staff, the Executive Office for United States Attorneys.

The Division had a dedicated staff; however, an assistance review on alignment of functions was recommended by the evaluators to facilitate work flow through the Division. Since the evaluation, the AO submitted a plan for reorganization of the Division to the United States Attorney. Several of the proposed changes have been made, including the realignment of procurement functions and hiring a contract employee to handle reception duties. Additional changes are planned in the future.

In an effort to improve communications, the AO has issued many new policies and procedures since the evaluation was conducted. These are sent by E-mail to the staff and posted in a shared directory (S drive) established for staff to access the policies and procedures, similar to an office intranet. Additionally, the AO meets with the administrative staff on a monthly basis and the support staff on a quarterly basis. Staff are given the opportunity to submit agenda items for the meetings.